

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 09/781,253  
Attorney Docket No. Q63086

### **REMARKS**

Reconsideration and allowance of this application are respectfully requested. New claims 24-26 have been added. Claims 1-26 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

#### **Information Disclosure Statement**

Examiner alleges that an information disclosure statement (IDS) filed January 19th, 2001 fails to comply with 37 C.F.R. § 1.98(a)(3) for not including a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. However, the instant Application was filed on February 13, 2001, and Applicant submitted an IDS on January 15, 2003, not January 19, 2001. If Examiner is referring to the IDS filed on January 15, 2003, Applicant respectfully submits that the IDS included an English translation of the pertinent portions of the references indicating the degree of relevance as indicated by the Japanese Office Action dated December 17, 2002. A copy of the IDS as filed on January 15, 2003 is attached.

#### **Rejection Under 35 U.S.C. § 102(e) - Berger**

Claims 1-23 have been rejected under 35 U.S.C. § 102(e) as allegedly being clearly anticipated by Berger et al. (U.S. Patent Number 6,414,693 B1; hereinafter "Berger"). The rejection is respectfully traversed.

As a preliminary matter, Applicant brings to attention that Berger was not cited on the PTO-892 Notice of References Cited form. Applicant believes that Examiner may have unintentionally cited Weisenberger (U.S. Patent Number 6,424,693) instead of Berger.

Regarding claims 1 and 17, Applicant's claimed invention relates to a user's request reflecting design system including a design data publicizing means, a correction data receiving means, and a design assisting means. The design data publicizing means publicizes design data to users through a computer network. The correction data receiving means receives and stores correction data as design data corrected by a user through the computer network. The design assisting means reflects the correction data received by the correction data receiving means on product design.

Applicant respectfully submits that the disclosure of Berger does not anticipate the claimed invention. Berger discloses a system and method for user customization of graphical images placed on an article for ordering, as shown in Figures 3-9. The user designs the appearance of graphics on the article, and submits the design for production. As shown in Figure 9, the user positions a graphic onto a desired location on a bag image and saves the combined image. The combined image is submitted to the supplier and stored in an order database. The supplier's production department may view the image stored in the order database (see column 7, line 44 to column 8, line 19).

However, there is no teaching in Berger of a design assisting means reflecting correction data received by the correction data receiving means on product design, as claimed. In Berger,

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the user manipulated image submitted to the supplier is stored in an order database, whereupon the supplier may then access the image (column 8, lines 2-9). Berger does not mention any means which reflects, upon product design, correction data received and stored by correction data receiving means. Examiner's reliance on column 7 lines 44-62 in Berger only describes a user interface screen display used to design a combined image by drag and drop of a selected graphic. The combined image may be saved, only upon which time the entire combined image may be submitted for production. Berger does not discuss design assisting means utilizing correction data received by correction data receiving means, as claimed. At least by virtue of the aforementioned differences, Applicant's claim 1 distinguishes over Berger. Applicant's claims 2-10 and 18-23 are dependent claims including all of the limitations of independent claims 1 and 17, respectively, which, as established above, distinguishes over Berger. Therefore, claims 2-10 and 18-23 are patentable over Berger for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

With further regards to claims 3, 4, 6, 8, 9, 18, 20, 22 and 23, an editing program file is transferred, along with the public design data, to a terminal connected to the computer network. Examiner relies on column 7, lines 26-60 in Berger for this teaching. However, Berger only appears to use a set menu on a client's screen display. There is no mention in Berger of transferring an editing program file to a terminal. At least by virtue of this additional difference as well as the aforementioned differences, Applicant's claimed invention distinguishes over Berger.

With further regards to claims 5, 7, 10, 19 and 21, a received mail processing unit receives an electronic mail to which correction data is attached, and the correction data is registered and stored in a data base in the correction data receiving means. Examiner relies on column 8, lines 10-19 of Berger for this teaching. However, the e-mail described in Berger is only a confirmation e-mail sent from the supplier to a distributor to confirm the placing of an order. Berger's e-mail does not have correction data attached and is not stored in a data base in correction data receiving means. At least by virtue of this additional difference as well as the aforementioned differences, Applicant's claimed invention distinguishes over Berger.

Regarding claim 11, Applicant's claimed invention relates to a user's request reflecting design method comprising publicizing design data to users through a computer network, receiving correction data as the design data corrected by a user through the computer network, and reflecting the correction data received on product design.

Applicant respectfully submits that the disclosure of Berger does not anticipate the claimed invention. There is no teaching in Berger of a reflecting correction data received as design data corrected by a user on product design, as claimed. As previously discussed, Berger's user manipulated image submitted to the supplier is stored in an order database, whereupon the supplier may then access the image (column 8, lines 2-9). Berger does not mention reflecting received correction data upon product design. Again, Examiner's reliance on column 7 lines 26-60 in Berger only describes a user interface screen display used to design a combined image by drag and drop of a selected graphic. The combined image may be saved, only upon which time the entire combined image may be submitted for production. The whole combined graphic is

saved prior to submission, and Berger does not discuss utilizing correction data on product design, as claimed. At least by virtue of the aforementioned differences, Applicant's claim 11 distinguishes over Berger. Applicant's claims 12-16 are dependent claims including all of the limitations of independent claim 1, which, as established above, distinguishes over Berger. Therefore, claims 12-16 are patentable over Berger for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

With further regards to claims 12, 14 and 16, an editing program file is transferred, along with the public design data, to a terminal connected to the computer network. Examiner again relies on column 7, lines 26-60 in Berger for this teaching. However, Berger only appears to use a set menu on a client's screen display. There is no mention in Berger of transferring an editing program file to a terminal. At least by virtue of this additional difference as well as the aforementioned differences, Applicant's claimed invention distinguishes over Berger.

With further regards to claims 13 and 15, electronic mail is received to which correction data is attached, and the correction data is registered and stored in a data base registering the correction data. Examiner again relies on column 8, lines 10-19 of Berger for this teaching. However, the e-mail described in Berger is only a confirmation e-mail sent from the supplier to a distributor to confirm the placing of an order. Berger's e-mail does not have correction data attached and is not stored in a data base in correction data receiving means. At least by virtue of this additional difference as well as the aforementioned differences, Applicant's claimed invention distinguishes over Berger.

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**Newly Added Claims**

Claims 24-26 are newly added by this Amendment and believed to be in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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